

1 TRAPANI

2 A. Both.

3 Q. Were there any security
4 personnel at that store on the day of the
5 accident other than Daniel?

6 MR. WHITTON: Note my
7 objection. You can answer. I think
8 you are mischaracterizing the witness'
9 testimony. Off the record.

10 (At this time, there was a
11 discussion held off the record.)

12 Q. Is there a, or was there a
13 difference between loss prevention and
14 security personnel?

15 A. Yes.

16 Q. There was security personnel
17 present on the date of the incident?

18 A. Yes.

19 Q. Those personnel were not
20 employees of Circuit City, to your
21 knowledge?

22 A. They were contracted out.

23 Q. You don't know with which
24 entity?

25 A. No.

1 TRAPANI

2 Q. Did Circuit City have a contract
3 with the security personnel to be there on
4 the day of the accident?

5 A. Yes.

6 Q. To your knowledge, was this
7 security personnel company there for a
8 period of time prior to the date that this
9 incident occurred?

10 A. I'm not sure what you are
11 asking.

12 Q. In other words, the contract it
13 wasn't just for that day, it was an ongoing
14 contract?

15 A. Correct.

16 Q. Do you know if it was for one
17 entity or more than one entity, the security
18 personnel?

19 A. I don't understand.

20 Q. Did the security personnel all
21 come from one company?

22 A. Yes.

23 Q. Security personnel, did they
24 have a special uniform they would wear?

25 A. Yes.

1 TRAPANI

2 Q. If you could briefly describe
3 for me the outfit they would wear?

4 A. They had to have the logo of the
5 company.

6 Q. Circuit City?

7 A. No.

8 Q. Their company?

9 A. Their company or a jacket that
10 had their logo on it from their company.

11 Q. To your knowledge, security
12 personnel, did they carry any weapons?

13 A. Yes.

14 Q. Gun?

15 A. Always a gun.

16 Q. Did they have radio with them,
17 to your knowledge?

18 A. No.

19 Q. Walkie-talkie?

20 A. No.

21 Q. Did they have anything to
22 communicate with other security in the
23 store?

24 MR. WHITTON: With other
25 security personnel?

1 TRAPANI

2 Q. With other security personnel or
3 Circuit City personnel. Maybe they didn't
4 have a walkie-talkie or radio, maybe it is a
5 Blue Tooth I'm asking if they had something?

6 MR. WHITTON: To communicate
7 with anybody?

8 Q. Yes.

9 A. I don't recall if they had
10 anything at that time.

11 Q. Do you know how many security
12 personnel were present on the date this
13 incident occurred?

14 A. One.

15 Q. One?

16 A. Yes.

17 Q. Do you remember that person's
18 name?

19 A. Frankie Changiy.

20 Q. Do you know if Mr. Changiy is
21 still at that location and as a security
22 person in many locations at Circuit City?

23 A. Yes.

24 Q. He still does that, to your
25 knowledge?

1 TRAPANI

2 A. Yes, he does.

3 Q. Was there a specific area of the
4 store that he was always assigned to or
5 would he roam?

6 A. He would be at the front door.

7 Q. What was his job description, if
8 you know? In other words, was he just there
9 or did he actively do things, check
10 packages, receipts?

11 A. He would check packages and
12 check receipts.

13 Q. Common practice, if I was a
14 customer and went in and I purchased
15 something back in December of '06, on the
16 way out would somebody always check the
17 receipt or check my bag?

18 A. Most times.

19 Q. On the date this incident
20 occurred, was the store crowded?

21 A. Yes.

22 Q. Was there any reason that it was
23 crowded?

24 A. Holidays.

25 Q. Holiday season?

1 TRAPANI

2 A. Yes.

3 Q. Did Circuit City have more
4 personnel working that day simply because it
5 was the Christmas season?

6 A. Yes.

7 Q. I know I asked you this before.
8 Do you know how many employees of Circuit
9 City were actually working at the time this
10 incident occurred?

11 A. No.

12 Q. Would it be fair to say more
13 than ten?

14 A. Yes.

15 Q. Would it be fair to say more
16 than 20?

17 A. Probably.

18 Q. Would it be fair to say more
19 than 30?

20 A. Depends on what time.

21 Q. What about the afternoon?

22 A. I'm not quite sure.

23 Q. When is the first you learned of
24 an incident that occurred on December 28,
25 2006?

1 TRAPANI

2 MR. WHITTON: Note my objection.

3 Q. The incident we are talking
4 about here involves an alleged incident
5 involving an Anna Thomas that was an alleged
6 incident that occurred in that store on
7 December 28, 2006. Do you know the name
8 Anna Thomas, you ever hear that name before?

9 A. Just this morning.

10 Q. Do you recall any incident that
11 occurred back on December 28, 2006?

12 A. Yes.

13 Q. How did you learn of that
14 incident, did you actually see it or did
15 somebody tell you about it?

16 A. I saw it.

17 Q. Where were you when you first
18 observed it? We will take it step by step.
19 Where were you in the store when you saw
20 what was going on?

21 A. I was towards the front of the
22 store.

23 Q. Were you near the customer
24 service area?

25 A. Yes.

1 TRAPANI

2 Q. What were you doing?

3 A. Directing lines.

4 Q. Directing customer lines?

5 A. Yes.

6 Q. That was the front right of the
7 store?

8 A. Correct.

9 Q. Did you hear something, or see
10 something first?

11 A. Neither one.

12 Q. So tell me what the first
13 recollection you have of some kind of
14 incident occurring?

15 A. I had someone from Circuit City
16 come to me and tell me that Daniel wanted me
17 to go in the office.

18 Q. Do you recall who, which
19 employee came to you?

20 A. No.

21 Q. Was there a reason why Daniel
22 wanted you to go to the office or you just
23 went to office?

24 A. Most only time I would have gone
25 there if they would have gotten a shoplifter

1 TRAPANI

2 who was a female.

3 Q. What if a shoplifter was a man?

4 A. I wouldn't have to be there, no.

5 Q. Which office were you summoned
6 to, your office, Daniel's office, some other
7 office?

8 A. Daniel's office.

9 Q. Did you go to Daniel's office
10 immediately?

11 A. Yes.

12 Q. Did that employee from Circuit
13 City also accompany you there?

14 A. No.

15 Q. When you went to Daniel's office
16 what, if anything, happened?

17 A. There was a young lady and
18 Frankie.

19 Q. And Daniel?

20 A. Yes.

21 Q. They were all in Daniel's
22 office?

23 A. Yes.

24 Q. Then when you walked in, was
25 something told to you or did you hear a

1 TRAPANI

2 conversation, what happened next?

3 A. I saw what was going on.

4 Q. What was that?

5 A. Apparently the young lady was
6 taking items.

7 Q. Are you saying that based on the
8 conversation Frankie or Daniel had with the
9 lady or did they actually tell you that?

10 A. No, I saw her drop items.

11 Q. Drop off her person?

12 A. Yes.

13 Q. In Daniel's office?

14 A. No, outside.

15 Q. So before you got to Daniel's
16 office, outside the office you saw this
17 young lady with Frankie and Daniel?

18 A. Actually she was walking out the
19 front door and Frankie was right, as
20 customers enter the store, she was there.

21 Q. Let's back up. Before being
22 summoned to Daniel's office you saw this
23 young lady?

24 A. Yes.

25 Q. When you saw this young lady,

1 TRAPANI

2 were you still directing lines?

3 A. Yes.

4 Q. Were you looking in the same
5 direction as this lady was walking?

6 A. Yes.

7 Q. As this time, was she running,
8 walking?

9 A. Walking.

10 Q. Was she walking in a fast pace,
11 slow pace, something else?

12 MR. WHITTON: Objection to the
13 form. You can answer.

14 Q. What pace was she walking?

15 A. It was very crowded she couldn't
16 have run, she had to walk.

17 Q. When you say it was very
18 crowded, did you actually have to sideswipe
19 people to get from one location to the
20 other, or how crowded was it?

21 MR. WHITTON: Objection to the
22 form. You can answer.

23 A. It was crowded, it was the
24 holidays.

25 Q. Approximately how many customers

1 TRAPANI

2 were in the store at that time, if you know?

3 A. I have no idea.

4 Q. Was the young lady able to walk
5 in a straight line to get to the front
6 entrance or did she have to move around
7 people?

8 A. Side to side.

9 Q. Once you saw this lady, did you
10 keep her under constant observation until
11 the front door or were you looking else
12 where?

13 A. A little bit of both.

14 Q. What did you observe about this
15 lady as she was walking?

16 A. She was walking out with two big
17 gentlemen and they walked out and they
18 didn't beep, you know. They would have to
19 have had something on them for the alarm to
20 go off. She did beep.

21 Q. She was walking with two
22 gentlemen?

23 A. Yes.

24 Q. Were they on either side of her?

25 A. They were in front of her.

1 TRAPANI

2 Q. Did they look like they were
3 walking with her?

4 A. Yes.

5 Q. They looked like they all knew
6 each other?

7 A. Yes.

8 Q. As they were walking, they got
9 to the front door and said there is some
10 type of beeping mechanism?

11 A. Yes.

12 Q. Near the beeping mechanism is
13 that where Frankie is stationed?

14 A. Yes.

15 Q. As you walk through, if you have
16 merchandise on you, that is not like
17 scanned, it would beep?

18 A. Yes.

19 Q. That would indicate there is
20 somebody trying to take merchandise out of
21 store?

22 MR. WHITTON: Objection to the
23 form.

24 A. It could have been that the
25 security wasn't taken off.

1 TRAPANI

2 Q. When you say security, like a
3 tag?

4 A. Yes.

5 Q. So as this lady is walking, she
6 got to this beeping mechanism and what
7 happened next?

8 A. Well, Daniel was watching her,
9 so he knew she was taking merchandise.

10 Q. How do you know at that point
11 Daniel was watching her?

12 A. Because he called me and told
13 me. He called me over and let me know.

14 Q. So while you are watching her
15 Daniel called you over?

16 A. Yes.

17 Q. You were both watching together?

18 A. Yes.

19 Q. As she got to the beeping
20 mechanism?

21 A. It beeped.

22 Q. Then what happened next?

23 A. Frankie stopped her and Daniel
24 was right behind her and said you need to
25 come with us.

1 TRAPANI

2 Q. How far were you away from where
3 Frankie was with the beeping mechanism when
4 you were watching with Daniel?

5 A. Approximately ten to 20 feet.

6 Q. As you were watching this lady
7 walk, was Daniel walking towards Frankie and
8 the beeping mechanism or did he stay there
9 with you?

10 A. He walked toward them.

11 Q. You stayed at the customer
12 service area?

13 A. Yes.

14 Q. Then when it beeped and as
15 Daniel was walking, what happened next?

16 A. Frankie and Daniel, they both
17 said you need to come with me and they took
18 her into the office.

19 Q. What about the two gentlemen
20 that were allegedly with this woman?

21 A. They just left.

22 Q. They walked out the front door?

23 A. Yes.

24 Q. This beeping mechanism, is that
25 right next to the front door area?

1 TRAPANI

2 A. Yes.

3 Q. Approximately how far?

4 A. Maybe two feet from the second
5 door.

6 Q. This young lady, could you
7 describe her; was she white, Asian, black,
8 something else?

9 A. She looked Hispanic.

10 Q. What about the two gentlemen
11 that she was with?

12 A. African American.

13 Q. You said Frankie stopped her at
14 that point.

15 A. Frankie stood in front of her
16 and Daniel was behind her.

17 Q. Frankie, how would you describe
18 him; big guy, small guy, something else?

19 MR. WHITTON: Objection to the
20 form. You can answer.

21 Q. How would you describe Frankie?

22 A. I guess between the two of you,
23 you know. He is not a big gentleman.

24 Q. About how old of a gentleman
25 would you say?

1 TRAPANI

2 A. He is probably 45.

3 Q. White, black?

4 A. Black.

5 Q. What about Daniel, first of all,
6 is he white, black?

7 A. Black.

8 Q. How would you describe him in
9 age?

10 A. Twenty-six, maybe 27.

11 Q. Frankie, how much do you think
12 he weighs?

13 A. One hundred and eighty.

14 Q. What about Daniel?

15 A. Two hundred and twenty.

16 Q. Were you able to hear any
17 conversations Frankie or Daniel had with
18 this woman or you just observed?

19 A. I was observing.

20 Q. What did you observe when
21 Frankie got in front of her and Daniel got
22 in back of her, what happened next?

23 A. They were picking up the
24 merchandise she dropped.

25 Q. Did you actually see merchandise

1 TRAPANI

2 coming like out of her clothes or something
3 else?

4 A. She stuck it under her shirt.
5 When they stopped her she let her hands go
6 and merchandise fell out.

7 Q. Do you recall what type of
8 merchandise?

9 A. I believe they were CDs and set
10 of head phones.

11 Q. Did they then escort the young
12 lady to Daniel's office or something else?

13 A. Yes.

14 Q. You were still watching while
15 they escorted her to Daniel's office?

16 A. Yes.

17 Q. Then once they got to the office
18 then you were summoned to Daniel's room?

19 A. I went with them.

20 Q. When you got to that room, what,
21 if anything, what was the nature of the
22 conversations that were taking place in
23 Daniel's office?

24 A. Between the young lady answered
25 them?

1 TRAPANI

2 Q. Yes, or you, did you have any
3 conversation with the young lady?

4 A. No.

5 Q. While you were there, did Daniel
6 or Frankie have a conversation with the
7 young lady?

8 A. Daniel did.

9 Q. What was the nature of that
10 conversation?

11 A. Name, address, phone number.

12 Q. Did she submit and give the
13 information?

14 A. Some of it.

15 Q. Did you have any conversations
16 at all with that young lady?

17 A. No.

18 Q. Did you ever learn the identity
19 of that young lady?

20 A. No.

21 Q. Did you stay there for a period
22 of time in that office?

23 A. The whole time.

24 Q. What happened next, did Daniel
25 call the police, something else?

1 TRAPANI

2 A. Yes, he called the police.

3 Q. Did the police arrive?

4 A. Eventually.

5 Q. Approximately how long?

6 A. I couldn't be sure.

7 Q. Did you stay there that whole
8 time?

9 A. Yes.

10 Q. Was it less than an hour?

11 A. Yes.

12 Q. Was it half an hour?

13 A. It was less than an hour. That
14 is all I can tell you.

15 Q. During that time period of time
16 what, if anything, happened, was she sitting
17 there, something else?

18 A. She was sitting in the chair and
19 there was a chair in the office, she was
20 sitting there.

21 Q. Did Frankie and Daniel stay
22 there the whole time with you?

23 A. Yes.

24 Q. Was she bound at all?

25 A. No.

1 TRAPANI

2 Q. Police arrived at some point?

3 A. Yes.

4 Q. Did they take her away?

5 A. Yes.

6 Q. Did you ever learn that a
7 customer was injured immediately prior to
8 this shoplifter being apprehended?

9 MR. WHITTON: Objection to the
10 form. Off the record.

11 (At this time, there was a
12 discussion held off the record.)

13 Q. When you were waiting in
14 Daniel's office for the police to arrive,
15 did anything unusual happen?

16 A. The young lady was she ran out
17 of the office and on to the sales floor.

18 Q. She was sitting prior to going
19 out of the office?

20 A. Yes.

21 Q. She was sitting in or on a what
22 kind of seat?

23 A. Regular chair.

24 Q. Was it in the middle of the
25 room?

1 TRAPANI

2 A. No, it was on the side.

3 Q. How far away from the entrance
4 door to the office?

5 A. Could be three to five feet.

6 Q. Where were you, were you
7 standing or sitting?

8 A. I was standing.

9 Q. Where were you standing in
10 relation to the front door to the office?

11 A. I was to the side of the door.

12 Q. Left or right, if you remember?

13 A. I believe it was to the left if
14 you were inside.

15 Q. What about Frankie and Daniel,
16 were they sitting or standing?

17 A. Daniel was sitting and Frankie
18 was standing.

19 Q. Where was Frankie standing?

20 A. On the opposite side of the door
21 that I was on.

22 Q. He was in the showroom area?

23 A. No, he was inside the room.

24 Q. You were outside the room?

25 A. No, I was inside.

1 TRAPANI

2 Q. Where was Daniel sitting?

3 A. At the desk.

4 Q. Basically on the other side was
5 the young lady sitting on the opposite side
6 of the desk?

7 A. It wasn't a desk like this, it
8 was the one up against the wall like a
9 shelf.

10 Q. At some point while you were all
11 there, the young woman tried to run away?

12 A. Yes.

13 Q. Did you actually see her get out
14 of her chair and run?

15 A. Yes.

16 Q. She ran out the door?

17 A. Yes.

18 Q. Did she run into the showroom?

19 A. Yes.

20 Q. When she ran, did either
21 yourself, Daniel or Frankie run after her?

22 A. Frankie and Daniel did.

23 Q. You remained in the office?

24 A. No, I went out on the sales
25 floor.

1 TRAPANI

2 Q. Just to basically observe?

3 A. So my presence could be known on
4 the floor.

5 Q. When she got out of the room,
6 when she ran out of the room when you said
7 she was running at a fast speed?

8 A. Yes.

9 Q. How old of a woman would you say
10 she was?

11 A. Early 20s.

12 Q. Did she look like a fit person
13 or you know, I'm trying to understand how
14 fast was she running?

15 MR. WHITTON: Objection.

16 Q. Did she look like she was in
17 good physical condition?

18 MR. WHITTON: Objection to the
19 form. You can answer.

20 A. No.

21 Q. Did you observe anything unusual
22 about that woman?

23 A. No, not really.

24 Q. Was she running at a fast pace?

25 A. Yes.

1 TRAPANI

2 Q. When she left the office door in
3 which direction did she lead?

4 A. Into the showroom.

5 Q. Was she headed in any specific
6 direction, in other words, into any one of
7 those areas whether it was the road or TV or
8 anything else?

9 A. To the Merc department.

10 Q. Are there aisles in this store,
11 there would be aisles?

12 A. Not necessarily aisles, it is,
13 there is a circle that encompasses one area
14 and the Merc is in the middle.

15 Q. The area where she ran, is there
16 a specific designation to that area other
17 than Merc, in other words, like wherever
18 that lane is, where customers could go, is
19 it designated A, B, C, D, anything?

20 A. No.

21 Q. Did you observe her run into the
22 Merc area?

23 A. Yes.

24 Q. What, if anything, did you
25 observe next?